

Reply to Final Under 37 CFR §1.114
Attorney Docket No.: NOR-099 (13612BAUS01U)
U.S. Serial No.: 10/040,975

REMARKS

Applicants have carefully reviewed and considered the current Office Action and the references cited therein. Claims 1, 7, 13, 19 are amended; Claims 2, 5, 8, 11, 14, and 17 are canceled; and no claims are added. As a result, Claims 1, 3-4, 6-7, 9-10, 12-13, 15-16, and 18-20 are now pending in this application.

Rejection of Claims 1-5, 7-11, 13-17, and 19-20 under 35 U.S.C. §102(a); rejection of Claims 5, 11, and 17 under 35 U.S.C. §103(a); and rejection of Claim 20 under 35 U.S.C. 103(a)

The Examiner has rejected Claims 1-5, 7-11, 13-17, and 19-20 under 35 U.S.C. § 102(a) as being anticipated by U.S. Patent Publication No. 2001/0050914 issued to Akahane et al. (“Akahane”); rejected Claims 5, 11, and 17 under 35 U.S.C. §103(a) as being unpatentable over Akahane in view of Applicant’s admitted prior art; and rejected Claim 20 under 35 U.S.C. 103(a) as being unpatentable over Akahane. Applicants assume that the rejections contain a typographical error and that the rejection under § 102(a) is for Claims 1-4, 6-10, 11-16, and 19-20. Otherwise, Claims 6, 12, and 18 will not have been addressed by the current Office Action and would, therefore, be allowed.

Applicants do not admit that Akahane is prior art and hereby reserve the right to remedy any defects in the Affidavit under 37 U.S.C. §1.131 submitted in Applicants’ Response to Final Rejection filed November 21, 2005. Nonetheless, Applicants contend that the present invention, as herein claimed, is patentable over Akahane even if it were assumed to be prior art and respectfully request that the Examiner reconsider the above rejections in view of the amendments and remarks made herein.

Applicants have amended independent Claims 1, 7, 13, and 19 to include the limitations of corresponding dependent Claims 2, 5, 8, 11, 14, and 17 and canceled these dependent claims. Applicants contend that these claims are patentable over the prior art. In rejecting Claims 5, 11, and 17, the Examiner alleges:

it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the teachings of Akahane to update a routing table if a packet is a route update packet after the one routing table is determined since the Applicant has admitted that doing so is well known in the prior art for making necessary updates to a routing table when network topology changes (paragraphs 0003 and 0004) and, therefore, one of ordinary skill in the art would have found it obvious to modify the teachings of Akahane to include this subject matter in order to achieve the advantages as admitted by the Applicant.

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Obviousness cannot be established by combining the teachings of the prior art to produce the claimed invention, absent some teaching suggestion or incentive supporting the combination. The art cited (not necessarily prior art) by the Examiner does not teach or suggest combining Akahane with descriptions taken from the present specification. The cited art does not teach or suggest executing a single IP stack to use a mapping array in updating a routing table in accordance with a received control packet. In fact, Akahane teaches away from such a combination. In Paragraph 54, Akahane states:

A control terminal (57) is connected to the above-mentioned controller (50). This control terminal allows the router administrator to register settings into the VPN ID indication table, the VPN identification tables, and the routing tables retained in the router.

If it were obvious at the time of the invention to gain benefit by executing a single IP stack to use a mapping array in updating a routing table in accordance with a received control packet, then Akahane would not teach a control terminal to allow a router administrator to update routing tables without at least suggesting that the routing tables could be updated in response to receiving a control packet. Accordingly, Applicants contend that the present invention is patentable over Akahane in view of any of the currently cited art.

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CONCLUSION

Applicants respectfully submit that the claims are in condition for allowance and notification to that effect is earnestly requested. If the Examiner believes that a telephone conversation with the Applicants' representative would facilitate prosecution of this application in any way, the Examiner is cordially invited to telephone the undersigned at (508) 303-2003. If necessary, please apply any additional fees, or credit overpayments, to Deposit Account 50-2295.

Respectfully submitted,

Date: January 23, 2006
Reg. No.: 37,548

Tel. No.: (508) 303-2003
Fax No.: (508) 303-0005

Stanley K. Hill
Stanley K. Hill
Attorney for Applicant(s)
Guerin & Rodriguez, LLP
5 Mount Royal Avenue
Marlborough, MA 01752

The undersigned hereby certifies that this correspondence is being facsimile transmitted to the USPTO or deposited with the United States Postal Service, with sufficient postage as first class mail, in an envelope addressed to the Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450 on the date shown below:

Stanley K. Hill

Date: January 23, 2006

Stanley K. Hill